

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CORLIEUS MOSS

Plaintiff,

v.

WIGGINS FREIGHT, LLC AND

MARCUS WIGGINS

Defendants.

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CIVIL ACTION NO.

INDEX OF STATE COURT FILE

The following is an index identifying each state court document and the date in which each document was filed in the 457th Judicial District Court, Montgomery County, Texas.

EXHIBIT	DATE	DOCUMENT
2		Index of State Court File
2a	10/25/2021	Docket Sheet
2b	08/31/2021	Plaintiff's Original Petition
2c	09/10/2021	Plaintiff's Amended Petition
2d	09/14/2020	Copy of Citation Issued to Wiggins Freight LLC
2e	09/14/2021	Copy of Citation Issued to Marcus Wiggins

9000/00001

EXHIBIT 2A

REGISTER OF ACTIONS
CASE NO. 21-09-12073

Corlieus Moss vs. Wiggins Freight,Marcus Wiggins

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Case Type: Motor Vehicle Accident - Over \$250,000
Date Filed: 08/31/2021
Location: 457th Judicial District Court

PARTY INFORMATION			
			Attorneys
Defendant	Wiggins Freight 50 Cherry Street Grenada, MS 38901		
Defendant	Wiggins, Marcus 538 Margin Street Grenada, MS 38901		
Plaintiff	Moss, Corlieus		Chelsea Murfree Retained 713-888-8888(W) Sharde' Marks Riley Retained 713-888-8888(W)

EVENTS & ORDERS OF THE COURT			
	OTHER EVENTS AND HEARINGS		
08/31/2021	Original Petition (OCA)		
08/31/2021	E-Filed Original Petition Document		
09/10/2021	Amended Petition		
09/10/2021	Return of Service		
09/14/2021	Citation		
	Wiggins Freight	Served	09/28/2021
		Returned	10/13/2021
09/14/2021	Citation		
	Wiggins, Marcus	Served	09/28/2021
		Returned	10/13/2021
10/13/2021	Return of Service		
10/13/2021	Return of Service		

FINANCIAL INFORMATION			
	Plaintiff Moss, Corlieus		
	Total Financial Assessment		308.00
	Total Payments and Credits		308.00
	Balance Due as of 10/25/2021		0.00

09/01/2021	Transaction Assessment			292.00
09/01/2021	E-File Electronic Payment	Receipt # 2021-308565	Moss, Corlieus	(292.00)
09/10/2021	Transaction Assessment			16.00
09/10/2021	E-File Electronic Payment	Receipt # 2021-309445	Moss, Corlieus	(16.00)

EXHIBIT 2B

Received and E-Filed for Record
8/31/2021 11:37 PM
Melisa Miller, District Clerk
Montgomery County, Texas
Deputy Clerk, Patricia Morrill

CAUSE NO.: 21-09-12073

CORLIEUS MOSS
Plaintiff,

v.

WIGGINS FREIGHT and MARCUS WIGGINS
Defendant.

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IN THE COURT OF
Montgomery County - 457th Judicial District Court

DISTRICT COURT

MONTGOMERY COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CORLIEUS MOSS** ("Plaintiff"), by and through his attorney of record, complaining of **WIGGINS FREIGHT and MARCUS WIGGINS** ("Defendants"), and for cause(s) of action would respectfully show unto this Honorable Court and Jury as follows:

DISCOVERY CONTROL PLAN

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff hereby expresses her intent for discovery in this case to be conducted under Rule 190.3 (Level 2).

CLAIM FOR RELIEF

2. Pursuant to TEX. R. CIV. P. Rule 47, Plaintiff seeks monetary relief over \$1,000,000.

PARTIES

3. **Plaintiff, CORLIEUS MOSS** is an individual natural person who resides in and at all times relevant in Texas.

4. **Defendant WIGGINS FREIGHT** is a company doing business in the State of Texas. It may be served at its principal place of business at 50 Cherry Street, Grenada, Mississippi 38901.

*****CITATION FOR SERVICE IS REQUESTED AT THIS TIME*****

5. **Defendant, MARCUS WIGGINS** is an individual natural person who resides in and at all times relevant in Mississippi. He may be served at 538 Margin Street, Grenada, Mississippi, 38901 or wherever he may be found.

*****CITATION FOR SERVICE IS REQUESTED AT THIS TIME*****

VENUE AND JURISDICTION

6. Pursuant to §15.002(a)(1) of the Texas Civil Practice & Remedies Code, venue is required in Montgomery County, Texas because all or a substantial part of the events or omissions that gave rise to this lawsuit occurred in Montgomery County, Texas.
7. The subject matter in controversy is within the jurisdictional limits of this court. This court has jurisdiction over the parties because the accident occurred in the State of Texas.

FACTUAL BACKGROUND

8. On or about March 19, 2020, while traveling southbound, Defendant failed to control his vehicle resulting in him losing control and exiting the road. Plaintiff was a passenger in Defendant's vehicle. . As a result of this collision, Plaintiff suffered severe injuries. Plaintiff sought and continues to receive reasonable and necessary medical treatment for their injuries caused by this accident.

COUNT 1-NEGLIGENCE

9. At the time of the collision, Defendants were operating his vehicle negligently Defendants had a duty to exercise ordinary care and operate his respective vehicle reasonably and prudently. Defendants negligence was a proximate cause of Plaintiffs' injuries. Defendants breached the duty of reasonable care in one or more of the following ways:
- a. Failure to timely apply the brakes;

- b. Failing to maintain a proper lookout;
- c. Failing to maintain a proper speed;
- d. Failing to take appropriate evasive action to avoid the collision;
- e. Failure to maintain an assured clear distance between two vehicles;
- f. Failure to maintain a single lane;
- g. Failure to change lanes when safe;
- h. Failing to keep the vehicle under proper control; and
- i. Failing to act as a reasonable person using ordinary care in the same or similar circumstances.

COUNT 2 – NEGLIGENCE PER SE

10. In addition to other counts, Defendants negligence described in Count 1 violated the Texas Transportation Code.

11. Specifically, Defendants violated:

- i. Texas Transportation Code §545.062(a), which imposes a duty on drivers to maintain a safe distance between two vehicles; and
- i. Texas Transportation Code §545.351, which imposes a duty on drivers to operate a motor vehicle at a speed that is reasonable and prudent under the conditions and with regard to actual and potential hazards then existing and at a speed necessary to avoid colliding with any person, vehicle or other conveyance.

12. The Texas Transportation Code is designed to protect a class of person to which Plaintiffs belong against the type of injury suffered by Plaintiffs.

13. Texas Transportation Code §545.062(a) and §545.531, is of the type that impose tort liability.

14. Defendants violations of Texas Transportation Code §545.062(a), §545.531, proximately caused injury to Plaintiffs, which resulted in Plaintiffs suffering damages.

COUNT 3—NEGLIGENT ENTRUSTMENT

15. **Negligence, Defendant Vehicle Owner:** At all relevant times, Defendants was the owner of the subject vehicle, as well as the responsible entity of the drivers. Further, drivers were acting within the course and scope of his responsibilities with/to Defendants at the time of the incident in question.

1. **Negligent Entrustment, Defendants:** Plaintiffs further allege that Defendants negligently entrusted their vehicle, trailer, duties, and responsibilities to drivers because Defendants knew and/or had reasons to know that they were not a safe and prudent driver.

PLAINTIFFS' CLAIM FOR DAMAGES

2. Plaintiffs suffered multiple injuries in the collision. Plaintiffs respectfully requests the trier of fact to determine the amount of the damages they have incurred in the past and will reasonably incur in the future, as well as the monetary value of these damages. These injuries have caused them to suffer, and will very likely continue causing them to suffer, the following damages:

- a. Physical pain and suffering,
- b. Mental anguish,;
- c. Physical disfigurement,
- d. Physical impairment,
- e. Diminished capacity to enjoy life and society,
- f. Reasonable and necessary medical expenses,
- g. Lost wages;

- h. Loss of earning capacity which will in all likelihood persist for the rest of their lives; and
- i. Property damage.

REQUIRED DISCLOSURE

3. Pursuant to Texas Rule of Civil Procedure 194(a), each Defendant is required to disclose, within thirty (30) days of the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully prays that Defendants be cited to appear and answer herein, and that upon final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for damages in an amount within the jurisdictional limits of the court, together with pre-judgment interest at the maximum rate allowed by law post-judgment interest at the legal rate, costs of court, and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,
RAMJI LAW GROUP



Chelsea Murfree
Texas Bar No. 24107873
Adam Ramji
Texas Bar No. 24045209

9186 Katy Freeway
Houston, Texas 77055
Telephone: (713) 888-8888
Facsimile: (866) 672-3372
E-service only: service@ramjilaw.com

ATTORNEYS FOR PLAINTIFF

EXHIBIT 2C

CAUSE NO.: 21-09-12073**CORLIEUS MOSS,**
Plaintiff,

v.

WIGGINS FREIGHT, LLC and MARCUS
WIGGINS,
Defendant.§
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§**IN THE COURT OF****457TH DISTRICT COURT****MONTGOMERY COUNTY, TEXAS****PLAINTIFF'S AMENDED PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CORLIEUS MOSS** ("Plaintiff"), by and through his attorney of record, complaining of **WIGGINS FREIGHT, LLC and MARCUS WIGGINS** ("Defendants"), and for cause(s) of action would respectfully show unto this Honorable Court and Jury as follows:

DISCOVERY CONTROL PLAN

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff hereby expresses her intent for discovery in this case to be conducted under Rule 190.3 (Level 2).

CLAIM FOR RELIEF

2. Pursuant to TEX. R. CIV. P. Rule 47, Plaintiff seeks monetary relief over \$1,000,000.

PARTIES

3. **Plaintiff, CORLIEUS MOSS**, is an individual natural person who resides in and at all times relevant in Grenada County, Mississippi.

4. **Defendant, WIGGINS FREIGHT, LLC**, is a limited liability company doing business in the State of Texas. It may be served at its registered agent, Cedric Wiggins, 605 Scenic Dr., Grenada, MS 38901 or its principal place of business located at 50 Cherry Street, Grenada, Mississippi 38901.

*****CITATION FOR SERVICE IS REQUESTED AT THIS TIME*****

5. **Defendant, MARCUS WIGGINS**, is an individual natural person who resides in and at all times relevant in Mississippi. He may be served at 538 Margin Street, Grenada, Mississippi, 38901 or wherever he may be found.

*****CITATION FOR SERVICE IS REQUESTED AT THIS TIME*****

VENUE AND JURISDICTION

6. Pursuant to §15.002(a)(1) of the Texas Civil Practice & Remedies Code, venue is required in Montgomery County, Texas because all or a substantial part of the events or omissions that gave rise to this lawsuit occurred in Montgomery County, Texas.

7. The subject matter in controversy is within the jurisdictional limits of this court. This court has jurisdiction over the parties because the accident occurred in the State of Texas.

FACTUAL BACKGROUND

8. On or about March 19, 2020, while traveling southbound, Defendant failed to control his vehicle resulting in him losing control and exiting the road. Plaintiff was a passenger in Defendant's vehicle. As a result of this collision, Plaintiff suffered severe injuries. Plaintiff sought and continues to receive reasonable and necessary medical treatment for their injuries caused by this accident.

COUNT 1-NEGLIGENCE

9. At the time of the collision, Defendant was operating his vehicle negligently. Defendant had a duty to exercise ordinary care and operate his respective vehicle reasonably and prudently. Defendant's negligence was a proximate cause of Plaintiff's injuries. Defendant breached the duty of reasonable care in one or more of the following ways:

- a. Failure to timely apply the brakes;
- b. Failing to maintain a proper lookout;
- c. Failing to maintain a proper speed;
- d. Failing to take appropriate evasive action to avoid the collision;
- e. Failure to maintain an assured clear distance between two vehicles;
- f. Failure to maintain a single lane;
- g. Failure to change lanes when safe;
- h. Failing to keep the vehicle under proper control; and
- i. Failing to act as a reasonable person using ordinary care in the same or similar circumstances.

COUNT 2 – NEGLIGENCE PER SE

10. In addition to other counts, Defendants negligence described in Count 1 violated the Texas Transportation Code.

11. Specifically, Defendants violated:

- i. Texas Transportation Code §545.062(a), which imposes a duty on drivers to maintain a safe distance between two vehicles; and
- ii. Texas Transportation Code §545.351, which imposes a duty on drivers to operate a motor vehicle at a speed that is reasonable and prudent under the conditions and with regard to actual and potential hazards then existing and at a speed necessary to avoid colliding with any person, vehicle or other conveyance.

12. The Texas Transportation Code is designed to protect a class of person, to which Plaintiff belongs, against the type of injury suffered by Plaintiff.

13. Texas Transportation Code §545.062(a) and §545.531, is of the type that impose

tort liability.

14. Defendants violations of Texas Transportation Code §545.062(a) and §545.531, proximately caused injury to Plaintiffs, which resulted in Plaintiffs suffering damages.

COUNT 3—NEGLIGENT ENTRUSTMENT

15. **Negligence, Defendant Vehicle Owner, Wiggins Freight, LLC:** At all relevant times, Defendant was the owner of the subject vehicle, as well as the responsible entity of the drivers. Further, drivers were acting within the course and scope of his responsibilities with/to Defendant at the time of the incident in question.

16. **Negligent Entrustment, Defendant, Wiggins Freight, LLC:** Plaintiff further allege that Defendant negligently entrusted their vehicle, trailer, duties, and responsibilities to drivers because Defendant knew and/or had reasons to know that they were not a safe and prudent driver.

PLAINTIFF'S CLAIM FOR DAMAGES

17. Plaintiff suffered multiple injuries in the collision. Plaintiff respectfully requests the trier of fact to determine the amount of the damages they have incurred in the past and will reasonably incur in the future, as well as the monetary value of these damages. These injuries have caused them to suffer, and will very likely continue causing them to suffer, the following damages:

- a. Physical pain and suffering, beginning March 19, 2020 and into the future;
- b. Mental anguish, beginning March 19, 2020 and into the future;
- c. Physical disfigurement, beginning March 19, 2020 and into the future;
- d. Physical impairment, beginning March 19, 2020 and into the future;
- e. Diminished capacity to enjoy life and society, beginning March 19, 2020

and into the future;

- f. Reasonable and necessary medical expenses, beginning March 19, 2020 and into the future;
- g. Lost wages; beginning March 19, 2020 and into the future;
- h. Loss of earning capacity which will in all likelihood persist for the rest of their lives; beginning March 19, 2020 and into the future; and
- i. Property damage.

REQUIRED DISCLOSURE

18. Pursuant to Texas Rule of Civil Procedure 194(a), each Defendant is required to disclose, within thirty (30) days of the filing of the first answer, the information or material described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully prays that Defendants be cited to appear and answer herein, and that upon final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for damages in an amount within the jurisdictional limits of the court, together with pre-judgment interest at the maximum rate allowed by law post-judgment interest at the legal rate, costs of court, and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

[SIGNATURE BLOCK IS ON THE NEXT PAGE]

Respectfully submitted,

/s/ Sharde' Marks Riley

Sharde' Marks Riley

Texas bar No. 24077465

Adam Ramji

Texas bar No. 24045209

RAMJI LAW GROUP

9186 Katy Freeway

Houston, Texas 77055

Telephone: (713) 888-8888

Facsimile: (866) 672-3372

Correspondence: smarks@doctorlaw.com

E-service only: service@ramjilaw.com

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Chelsea Murfree on behalf of Sharde Marks
Bar No. 24077465
cmurfree@calltheram.com
Envelope ID: 57126966
Status as of 9/10/2021 2:56 PM CST

Associated Case Party: Corlieus Moss

Name	BarNumber	Email	TimestampSubmitted	Status
Sharde' Marks Riley		service@doctorlaw.com	9/10/2021 10:55:37 AM	SENT

EXHIBIT 2D

CITATION

Cause Number: 21-09-12073

Clerk of the Court
Melisa Miller
P.O. Box 2985
Conroe, Texas 77305

Attorney Requesting Service
Chelsea Murfree
9186 Katy Freeway
Houston TX 77055

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

To: Wiggins Freight
Registered Agent Cedric Wiggins
605 Scenic Dr.
Grenada MS 38901

OR WHEREVER THE ADDRESSEE MAY BE FOUND

The attached Plaintiff's Amended Petition was filed on the 10th day of September, 2021, in 457th Judicial District Court, located at the Montgomery County Courthouse in Conroe, Texas, numbered 21-09-12073, and includes the following parties: Corlieus Moss, plaintiff(s), and Wiggins Freight; Marcus Wiggins, defendant(s).

Issued and given under my hand and seal of said Court at Conroe, Texas on this the 14th day of September, 2021.

Melisa Miller, District Clerk
Montgomery County, Texas

By: Delcy Parker
Delcy Parker, Deputy

Received and E-Filed for Record
8/31/2021 11:37 PM
Melisa Miller, District Clerk
Montgomery County, Texas
Deputy Clerk, Patricia Morrill

CAUSE NO.: 21-09-12073

CORLIEUS MOSS
Plaintiff,

v.

WIGGINS FREIGHT and MARCUS WIGGINS
Defendant.

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IN THE COURT OF
Montgomery County - 457th Judicial District Court

DISTRICT COURT

MONTGOMERY COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CORLIEUS MOSS** ("Plaintiff"), by and through his attorney of record, complaining of **WIGGINS FREIGHT and MARCUS WIGGINS** ("Defendants"), and for cause(s) of action would respectfully show unto this Honorable Court and Jury as follows:

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3. **Plaintiff, CORLIEUS MOSS** is an individual natural person who resides in and at all times relevant in Texas.

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*****CITATION FOR SERVICE IS REQUESTED AT THIS TIME*****

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FACTUAL BACKGROUND

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COUNT 1-NEGLIGENCE

9. At the time of the collision, Defendants were operating his vehicle negligently Defendants had a duty to exercise ordinary care and operate his respective vehicle reasonably and prudently. Defendants negligence was a proximate cause of Plaintiffs' injuries. Defendants breached the duty of reasonable care in one or more of the following ways:
- a. Failure to timely apply the brakes;

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1. **Negligent Entrustment, Defendants:** Plaintiffs further allege that Defendants negligently entrusted their vehicle, trailer, duties, and responsibilities to drivers because Defendants knew and/or had reasons to know that they were not a safe and prudent driver.

PLAINTIFFS' CLAIM FOR DAMAGES

2. Plaintiffs suffered multiple injuries in the collision. Plaintiffs respectfully requests the trier of fact to determine the amount of the damages they have incurred in the past and will reasonably incur in the future, as well as the monetary value of these damages. These injuries have caused them to suffer, and will very likely continue causing them to suffer, the following damages:

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PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully prays that Defendants be cited to appear and answer herein, and that upon final hearing of the cause, judgment be entered for the Plaintiffs against Defendants for damages in an amount within the jurisdictional limits of the court, together with pre-judgment interest at the maximum rate allowed by law post-judgment interest at the legal rate, costs of court, and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

Respectfully submitted,
RAMJI LAW GROUP



Chelsea Murfree
Texas Bar No. 24107873
Adam Ramji
Texas Bar No. 24045209

9186 Katy Freeway
Houston, Texas 77055
Telephone: (713) 888-8888
Facsimile: (866) 672-3372
E-service only: service@ramjilaw.com

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Chelsea Murfree
Bar No. 24107873
cmurfree@calltheram.com
Envelope ID: 56849379
Status as of 9/1/2021 1:59 PM CST

Associated Case Party: CorlieusMoss

Name	BarNumber	Email	TimestampSubmitted	Status
Adam Ramji		service@ramjilaw.com	8/31/2021 11:37:24 PM	SENT

EXHIBIT 2E

CITATION

Cause Number: 21-09-12073

Clerk of the Court
Melisa Miller
P.O. Box 2985
Conroe, Texas 77305

Attorney Requesting Service
Chelsea Murfree
9186 Katy Freeway
Houston TX 77055

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

To: Marcus Wiggins
538 Margin Street
Grenada MS 38901
OR WHEREVER THE ADDRESSEE MAY BE FOUND

The attached Plaintiff's Amended Petition was filed on the 10th day of September, 2021, in 457th Judicial District Court, located at the Montgomery County Courthouse in Conroe, Texas, numbered 21-09-12073, and includes the following parties: Corlieus Moss, plaintiff(s), and Wiggins Freight; Marcus Wiggins, defendant(s).

Issued and given under my hand and seal of said Court at Conroe, Texas on this the 14th day of September, 2021.

Melisa Miller, District Clerk
Montgomery County, Texas

By: Delcy Parker
Delcy Parker, Deputy

Received and E-Filed for Record
8/31/2021 11:37 PM
Melisa Miller, District Clerk
Montgomery County, Texas
Deputy Clerk, Patricia Morrill

CAUSE NO.: 21-09-12073

CORLIEUS MOSS
Plaintiff,

v.

WIGGINS FREIGHT and MARCUS WIGGINS
Defendant.

§ **IN THE COURT OF**
§ Montgomery County - 457th Judicial District Court
§
§ **DISTRICT COURT**
§
§
§ **MONTGOMERY COUNTY, TEXAS**

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **CORLIEUS MOSS** ("Plaintiff"), by and through his attorney of record, complaining of **WIGGINS FREIGHT and MARCUS WIGGINS** ("Defendants"), and for cause(s) of action would respectfully show unto this Honorable Court and Jury as follows:

DISCOVERY CONTROL PLAN

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiff hereby expresses her intent for discovery in this case to be conducted under Rule 190.3 (Level 2).

CLAIM FOR RELIEF

2. Pursuant to TEX. R. CIV. P. Rule 47, Plaintiff seeks monetary relief over \$1,000,000.

PARTIES

3. **Plaintiff, CORLIEUS MOSS** is an individual natural person who resides in and at all times relevant in Texas.

4. **Defendant WIGGINS FREIGHT** is a company doing business in the State of Texas. It may be served at its principal place of business at 50 Cherry Street, Grenada, Mississippi 38901.

*****CITATION FOR SERVICE IS REQUESTED AT THIS TIME*****

5. **Defendant, MARCUS WIGGINS** is an individual natural person who resides in and at all times relevant in Mississippi. He may be served at 538 Margin Street, Grenada, Mississippi, 38901 or wherever he may be found.

*****CITATION FOR SERVICE IS REQUESTED AT THIS TIME*****

VENUE AND JURISDICTION

6. Pursuant to §15.002(a)(1) of the Texas Civil Practice & Remedies Code, venue is required in Montgomery County, Texas because all or a substantial part of the events or omissions that gave rise to this lawsuit occurred in Montgomery County, Texas.
7. The subject matter in controversy is within the jurisdictional limits of this court. This court has jurisdiction over the parties because the accident occurred in the State of Texas.

FACTUAL BACKGROUND

8. On or about March 19, 2020, while traveling southbound, Defendant failed to control his vehicle resulting in him losing control and exiting the road. Plaintiff was a passenger in Defendant's vehicle. . As a result of this collision, Plaintiff suffered severe injuries. Plaintiff sought and continues to receive reasonable and necessary medical treatment for their injuries caused by this accident.

COUNT 1-NEGLIGENCE

9. At the time of the collision, Defendants were operating his vehicle negligently Defendants had a duty to exercise ordinary care and operate his respective vehicle reasonably and prudently. Defendants negligence was a proximate cause of Plaintiffs' injuries. Defendants breached the duty of reasonable care in one or more of the following ways:
- a. Failure to timely apply the brakes;

- b. Failing to maintain a proper lookout;
- c. Failing to maintain a proper speed;
- d. Failing to take appropriate evasive action to avoid the collision;
- e. Failure to maintain an assured clear distance between two vehicles;
- f. Failure to maintain a single lane;
- g. Failure to change lanes when safe;
- h. Failing to keep the vehicle under proper control; and
- i. Failing to act as a reasonable person using ordinary care in the same or similar circumstances.

COUNT 2 – NEGLIGENCE PER SE

10. In addition to other counts, Defendants negligence described in Count 1 violated the Texas Transportation Code.

11. Specifically, Defendants violated:

- i. Texas Transportation Code §545.062(a), which imposes a duty on drivers to maintain a safe distance between two vehicles; and
- i. Texas Transportation Code §545.351, which imposes a duty on drivers to operate a motor vehicle at a speed that is reasonable and prudent under the conditions and with regard to actual and potential hazards then existing and at a speed necessary to avoid colliding with any person, vehicle or other conveyance.

12. The Texas Transportation Code is designed to protect a class of person to which Plaintiffs belong against the type of injury suffered by Plaintiffs.

13. Texas Transportation Code §545.062(a) and §545.531, is of the type that impose tort liability.

14. Defendants violations of Texas Transportation Code §545.062(a), §545.531, proximately caused injury to Plaintiffs, which resulted in Plaintiffs suffering damages.

COUNT 3—NEGLIGENT ENTRUSTMENT

15. **Negligence, Defendant Vehicle Owner:** At all relevant times, Defendants was the owner of the subject vehicle, as well as the responsible entity of the drivers. Further, drivers were acting within the course and scope of his responsibilities with/to Defendants at the time of the incident in question.

1. **Negligent Entrustment, Defendants:** Plaintiffs further allege that Defendants negligently entrusted their vehicle, trailer, duties, and responsibilities to drivers because Defendants knew and/or had reasons to know that they were not a safe and prudent driver.

PLAINTIFFS' CLAIM FOR DAMAGES

2. Plaintiffs suffered multiple injuries in the collision. Plaintiffs respectfully requests the trier of fact to determine the amount of the damages they have incurred in the past and will reasonably incur in the future, as well as the monetary value of these damages. These injuries have caused them to suffer, and will very likely continue causing them to suffer, the following damages:

- a. Physical pain and suffering,
- b. Mental anguish,;
- c. Physical disfigurement,
- d. Physical impairment,
- e. Diminished capacity to enjoy life and society,
- f. Reasonable and necessary medical expenses,
- g. Lost wages;

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Associated Case Party: CorlieusMoss

Name	BarNumber	Email	TimestampSubmitted	Status
Adam Ramji		service@ramjilaw.com	8/31/2021 11:37:24 PM	SENT